

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

VICTOR HURNS

PETITIONER

v.

No. 2:97CV26-GHD

JAMES V. ANDERSON, ET AL.

RESPONDENTS

**ORDER DISMISSING PETITIONER'S MOTION [88]
CHALLENGING HIS 1990 MURDER CONVICTION.**

This matter comes before the court on the motion [88] by the petitioner challenging his 1990 murder conviction. The Fifth Circuit Court of Appeals has, however, barred Mr. Hurns from challenging that conviction:


Hurns has ignored this court's previous warnings and has remained undeterred by the sanction previously imposed by this court for his continued filing of frivolous, repetitive, or otherwise abusive motions challenging his murder conviction and sentence. We do not impose an additional monetary sanction at this time. However, Hurns is **BARRED** from filing, in this court or in any court subject to this court's jurisdiction, any pleading based, in whole or in part, on his conviction and sentence for murder, including a motion for leave to proceed as a sanctioned litigant. Additionally, he is **BARRED** from filing, in this court or in any court subject to this court's jurisdiction, any challenge to his conviction or sentence until all monetary sanctions are paid, unless he first obtains leave of the court in which he seeks to file such challenge. Even after satisfaction of all monetary sanctions, Hurns is **BARRED** from filing any civil action in a district court of this circuit, or any pleading or notice of appeal with this court, without first obtaining leave of the court in which he seeks to file such action, pleading, or notice. When seeking leave of court, Hurns is **ORDERED** to certify that the claim he wishes to present is a new one and is not based, in whole or in part, on his 1990 murder conviction and life sentence. Hurns is **CAUTIONED** that if he makes a false certification, he may be found in contempt of court and punished accordingly. The Clerk is **INSTRUCTED** that any submissions to this court, including motions for leave to proceed as a sanctioned litigant, that do not contain this certification will not be acknowledged or addressed. *Hurns is further WARNED that he should review any pending complaints, motions, and appeals and withdraw any that are frivolous or repetitive, and that failure to withdraw any frivolous or repetitive proceedings will result in the imposition of additional monetary sanctions.* Finally, Hurns is again **WARNED** that filing any frivolous or repetitive pleading or challenge to his murder conviction or sentence, in this court or any court

subject to this court's jurisdiction, will subject him to additional and progressively more severe sanctions.

Doc. 89 at 1-2 (emphasis added).

This court has reviewed the instant motion and finds that it is both repetitive and frivolous – and that Mr. Hurns has not withdrawn it (as required by the highlighted text from the Fifth Circuit's sanctions order). Hence, in light of the Fifth Circuit's extremely thorough sanctions order, the instant motion [88] is **DISMISSED** with prejudice.

SO ORDERED, this, the 28th day of January, 2022.

A handwritten signature in black ink, appearing to read "Sen. H. Davis", is written above a horizontal line.

SENIOR UNITED STATES DISTRICT JUDGE